

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

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**MICHAEL J. FURNEY,**  
Plaintiff,

v.

**Case No. 08-C-0851**

**FIRST CAPITAL SURETY GROUP, INC., et al.,**  
Defendants.

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**ORDER**

Plaintiff filed an amended complaint in this action on November 6, 2008. Attached to the amended complaint as Exhibit A is a copy of a letter from plaintiff, as general counsel for defendant First Capital Surety and Trust Co. ("FCS&T"), to four members of the Board of Directors of FCS&T. FCS&T argues that this document is protected by the attorney-client privilege and therefore should not be part of the public file for this case. FCS&T has thus moved to temporarily seal Exhibit A to the amended complaint until the court has had an opportunity to consider permanent relief, and plaintiff has not opposed this motion. After reviewing Exhibit A and FCS&T's declaration in support of its motion, I conclude that FCS&T has shown good cause for temporarily removing Exhibit A from the public file – namely, that the document is likely protected by the attorney-client privilege. **THEREFORE, IT IS ORDERED** that FCS&T's Rule 7.4 motion to seal is **GRANTED**. **IT IS FURTHER ORDERED** that the Clerk of Court immediately **SEAL** Exhibit A to plaintiffs' amended complaint. No other part of the record for this case shall be removed from the public file.

Dated at Milwaukee, Wisconsin, this 9 day of December, 2008.

/s \_\_\_\_\_  
LYNN ADELMAN  
District Court Judge